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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,771	07/22/2002	Yoichiro Sako	SONYJP 3.3-812	2616
530 7590 10/06/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER HOFFMAN, BRANDON S				
ART UNIT		PAPER NUMBER		
2436				
MAIL DATE		DELIVERY MODE		
10/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,771

Applicant(s)

SAKO ET AL.

Examiner

BRANDON S. HOFFMAN

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-56 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-893)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 1-56 are pending in this office action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads et al. (U.S. Patent No. 6,614,914).

Regarding claim 1, Rhoads et al. teaches a recording medium in which, in reproducing first data consisting of contents data, at a position where reproduction is conducted prior to the first data, second data where contents concealment data for concealing the contents data is buried is recorded (fig. 1).

Regarding claims 2, 7, 12, 19, 35, 41, and 53, Rhoads et al. teaches wherein the second data is at least one advertisement data (col. 39, lines 42-57).

Regarding claims 3, 13, 36, and 42, Rhoads et al. teaches wherein the second data consists of plural advertisement data, and the contents concealment data are buried into the plural advertisement data in a distributed manner (col. 39, lines 42-57).

Regarding claim 4, Rhoads et al. teaches wherein the second data consists of plural advertisement data, encipherment processing are respectively implemented to the plural advertisement data and key data for decoding encipherment processing implemented to one advertisement data of remaining advertisement data is buried in a certain advertisement data of the plural advertisement data, and the contents concealment data is buried in advertisement data last reproduced of the plural advertisement data (col. 9, lines 35-47).

Regarding claims 5, 14, 37, and 56, Rhoads et al. teaches wherein the contents concealment data is buried during blanking period of the second data (col. 1, lines 20-22).

Regarding claim 6, Rhoads et al. teaches a recording medium in which first data and second data are recorded, the second data is recorded at a position where read-out operation is conducted prior to the first data in reproducing the first data, and the first

data is recorded after undergone encipherment processing by using data extracted from the second data (fig. 1 and col. 2, lines 49-61).

Regarding claims 8, 20, and 43, Rhoads et al. teaches wherein the data extracted from the second data is predetermined line data of a predetermined frame of the advertisement data (col. 39, lines 42-57).

Regarding claims 9 and 21, Rhoads et al. teaches wherein the data extracted from the second data is data of a predetermined frame of the advertisement data (col. 39, lines 42-57).

Regarding claims 10, 23, and 33, Rhoads et al. teaches a recording method for a recording medium comprising steps of:

- Burying contents concealment data for concealing first data consisting of contents data into delivered second data (fig. 1, ref. num 100/102);
- Implementing concealment processing to the first data by using the contents concealment data (fig. 1, ref. num 106); and
- Implementing encode processing to the second data in which the contents concealment data is buried and the contents data to which the concealment processing has been implemented to record the data thus processed onto the recording medium (fig. 1, ref. num 104).

Regarding claims 11, 18, 34, and 40, Rhoads et al. teaches wherein the method includes steps of multiplexing the second data in which the contents concealment data is buried and the contents data to which the concealment processing has been implemented, and implementing the encode processing to the multiplexed data (fig. 1, ref. num 100, 102, and 106).

Regarding claims 15 and 38, Rhoads et al. teaches wherein the method further includes steps of implementing compression processing to respective ones of the first data and the second data in which the contents concealment data is buried, and implementing the concealment processing to the first and second data to which the compression processing has been implemented (col. 35, line 65 through col. 36, line 15).

Regarding claims 16 and 22, Rhoads et al. teaches wherein the second data in which the contents concealment data is buried is recorded at a position on the recording medium where read-out operation is carried out prior to the first data (fig. 3).

Regarding claims 17 and 39, Rhoads et al. teaches a recording method for a recording medium comprising steps of:

- Implementing encipherment processing to first data consisting of contents data by using data extracted from delivered second data (fig. 1, ref. num 104); and

- Implementing encode processing to the second data and the first data to which the encipherment processing has been implemented to record the data thus processed onto the recording medium (fig. 1, ref. num 112).

Regarding claim 24, Rhoads et al., teaches wherein the plural second data respectively consist of advertisement data, and the method includes steps of generating contents concealment data by using the plural cipher key data which have been read out from the plural advertisement data, and implementing concealment processing to the first data on the basis of the generated contents concealment data (col. 39, lines 42-57).

Regarding claim 25, Rhoads et al., teaches wherein the plural second data respectively consist of advertisement data, and the method includes a step of implementing concealment processing to plural respective areas of the first data by using the plural cipher key data which have been read out from the plural advertisement data (col. 39, lines 42-57).

Regarding claims 26, 30, 44, 49, and 52, Rhoads et al., teaches a reproducing method for a recording medium comprising steps of:

- Extracting contents concealment data for concealing contents data from second data which has been read out from a recording medium adapted so that the second data in which the contents concealment data is buried is recorded at a

position where reproduction is carried out prior to first data consisting of contents data in reproducing the first data (fig. 5 and fig. 6);

- Decoding cipher implemented to the first data which has been read out from the recording medium by using the extracted contents concealment data (fig. 5 and 6); and
- Outputting the decoded first data subsequently to the second data (fig. 5 and 6, the reverse process is used to reproduce the data as is done in creating the watermarked data).

Regarding claims 27, 45, and 54, Rhoads et al. teaches wherein the method comprises steps of temporarily taking the second data which has been read out from the recording medium into a buffer memory, and extracting the contents concealment data from the second data which has been taken into the buffer memory (col. 20, line 54 through col. 21, line 5).

Regarding claims 28, 31, 47, and 50, Rhoads et al. teaches wherein in any one of the case where the second data fails to be read out from the recording medium and the case where the contents concealment data fails to be extracted from the second data, reproduction of the first data is stopped (col. 32, lines 39-42).

Regarding claims 29, 32, 46, 48, and 51, Rhoads et al. teaches wherein when the second data is caused to undergo special reproduction, cryptanalysis processing of the first data is stopped (col. 32, lines 39-42).

Regarding claim 55, Rhoads et al. teaches wherein the method includes a step of discriminating whether or not cryptanalysis processing is required for the first data which has been read out from the recording medium when the contents concealment data fails to be extracted from the second data, whereby when it is discriminated that the cryptanalysis processing is required, warning display is carried out (col. 32, lines 21-38).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/
Primary Examiner, Art Unit 2136